

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

UNITED STATES OF AMERICA	)	
	)	
<i>Plaintiff(s)</i>	)	Case: 4:20-CR-208
	)	
v.	)	
	)	Judge: James M. Moody, Jr.
Timothy Milke	)	
	)	
	)	
<i>Defendant(s)</i>	)	

**DEFENDANT’S MOTION TO MODIFY CONDITIONS OF  
PRETRIAL RELEASE UNDER 18 U.S.C. § 3142(c)(3)**

COMES NOW, Timothy Milke, by and through their attorney, Christopher Baker of the James Law Firm, and for their Motion to Modify Conditions of Pretrial Release:

1. This motion is brought under the Bail Reform Act of 1984 codified under 18 U.S.C. § 3142 (c)(3) by Mr. Milke to request a hearing to modify the ordered conditions of pretrial release.
2. Mr. Milke previously appeared on August 8, 2022, before Magistrate Judge J. Thomas Ray and was released back into the community with conditions imposed upon their release under 18 U.S.C. § 3142.
3. Some of the conditions imposed upon Mr. Milke included ankle monitoring, home detention, and a nightly curfew, among other conditions of release.
4. A judicial officer may at any time amend the order to oppose additional or different conditions of release. *Id.* Under this authority, the Magistrate has authority to hear and review whether a reduction in restrictions will continue to assure the safety the community and the appearance of the Mr. Milke.

5. Counsel for Mr. Milke has conferred with the Government in regard to this request for modification and the request is unopposed.
6. Although U.S. Probation does not actively advocate a position on restrictions, Counsel for Mr. Milke, has conferred with Pretrial Services and the request is unopposed.
7. No other parties have been identified with a substantial interest in this motion.
8. Defendant is undergoing surgery at Veterans' Affairs on August 10, 2023. Defense requests that Defendant be permitted to remove his ankle monitor while being treated at Veterans' Affairs, as operating room procedures do not allow these devices due to policy. Defense also requests authorization for Defendant to deviate from curfew if required during treatment, and advance permission for Defendant to remain in hospital if complications should arise from his surgery while he is admitted for in-patient care.
9. WHEREFORE, Defendant prays that this motion be granted or alternatively a hearing be scheduled so that the parties are provided an opportunity to be heard on this motion and respond to any questions or inquiries from the Court.

Dated: July 21, 2023

Respectfully submitted,

/s/ Christopher Baker

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of Defendant Timothy Milke's above motion was electronically filed and served on the Court's electronic filing system. A copy of the filing will be made to any parties not associated with the CM/ECF filing system.

Dated: July 21, 2023

Respectfully submitted,

/s/ Christopher Baker

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